

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOHN AUBRY TURNER,

Petitioner,

v.

KIM HOLLAND, Warden, California
 Correctional Institute,

Respondent.

CASE NO. 3:14-cv-1966-GPC-NLS

**ORDER DENYING PETITIONER'S
 REQUEST FOR INJUNCTIVE
 RELIEF PREVENTING
 TRANSFER TO ANOTHER
 FACILITY**

Petitioner John Aubry Turner ("Petitioner") proceeds pro se in this habeas corpus matter pursuant to 28 U.S.C. § 2254. On October 14, 2014, Petitioner filed a letter stating that "if transfer from this facility is allowable during these procedures, [Petitioner] would request a Court Order prohibiting transfer from this facility prior to the Courts decision." (ECF No. 10.) The Court construes this language as a motion for preliminary injunctive relief preventing Petitioner's transfer to another correctional facility.

As an initial matter, it is unclear whether injunctive relief is available to a petitioner proceeding under § 2254. See Adame v. Salazar, No. 08-cv-2844-JFW-RZ, 2008 WL 2019599, (C.D. Cal. May 6, 2008); see also Case v. Miller-Stout, No. 12-cv-0187-MJP-MAT, 2013 WL 104835 (W.D. Wash. Jan. 7, 2013). Even if injunctive relief were available, petitioner has failed to establish that he meets the four necessary elements required to obtain such relief. See M.R. v. Dreyfus, F.3d 1100, 1108 (9th Cir.

1 2011) (“A preliminary injunction is proper if there is a likelihood of irreparable injury
2 to plaintiff; there are serious questions going to the merits; the balance of hardships tips
3 sharply in favor of the plaintiff; and the injunction is in the public interest.”) (citation
4 omitted). Accordingly, Plaintiff’s motion for injunctive relief is **DENIED** without
5 prejudice.

6 IT IS SO ORDERED.

7 DATED: October 29, 2014

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10 HON. GONZALO P. CURIEL
11 United States District Judge
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